

**In the Claims**

Claims 9-14, 26, 27, 31, 34, and 49-54 remain in the application for consideration and are listed as follows:

1.-8. (Canceled).

9. (Currently Amended) A method for facilitating ~~speedy~~ communication of packets between entities on a network through a communication device, the method comprising:

sending a set pair of packets from a sending entity to a receiving entity;  
~~wherein a transmission delay between packets in the set is intolerable;~~

~~immediately thereafter,~~ sending at least one “push” packet after sending said pair of packets to avert a transmission delay between packets in the set pair, wherein the size of the “push” packet is selected by the sending entity, in view of a Nagle Algorithm that is implemented by the communication device, to be specifically configured to force the transmission of the set pair of packets by the communication device to avoid the transmission delay caused by packet buffering by the communication device on the network.

10. (Currently Amended) A method as recited in claim 9, wherein the set pair of packets includes two packets sent back-to-back.

11. (Currently Amended) A method as recited in claim 9, wherein the set pair of packets are bandwidth-measurement packets for measuring bandwidth between the sending entity and the receiving entity.

12. (Original) A method as recited in claim 9, wherein the communication device is a proxy server.

13. (Original) A method as recited in claim 9, wherein the network is TCP.

14. (Original) A program module having computer-executable instructions that, when executed by a computer, performs the method as recited in claim 9 at an application layer in accordance with an OSI model.

15. (Canceled).

16. – 25. (Canceled).

26. (Currently Amended) A ~~method~~ system for facilitating bandwidth measurement between two entities on a network through a communication device, the method comprising:

means for sending a pair of bandwidth-measurement packets from a sending entity to a receiving entity, ~~wherein a transmission delay between packets in the pair is intolerable;~~

1 ~~immediately thereafter, means for sending, thereafter,~~ at least one “push”  
2 packet to avert a transmission delay between packets in the pair, wherein the size  
3 of the “push” packet is selected by the sending entity, in view of a Nagle  
4 Algorithm that is implemented by a proxy device, to be specifically configured to  
5 force the transmission of the set pair of packets by the communication proxy  
6 device to avoid the transmission delay caused by packet buffering by the  
7 communication proxy device on the network.

8  
9 27. (Currently Amended) A ~~method~~ system as recited in claim 26 further  
10 comprising means for receiving a bandwidth calculation based upon  
11 measurements related to the pair of packets.

12  
13 28. (Canceled).

14  
15 29. (Canceled).

16  
17 30. (Canceled).

18  
19 31. (Currently Amended) A computer-readable storage medium ~~having~~  
20 storing computer-executable instructions that, when executed by a computer,  
21 perform a method to facilitate ~~speedy~~ communication of packets between entities  
22 on a network through a communication device, the method comprising:

23 sending a set pair of packets from a sending entity to a receiving entity;  
24 ~~wherein a transmission delay between packets in the set is intolerable;~~  
25

1 ~~immediately thereafter~~, sending at least one “push” packet to avert a  
2 transmission delay between packets in the set pair, wherein the size of the “push”  
3 packet is selected by the sending entity, in view of a Nagle Algorithm that is  
4 implemented by the communication device, to be specifically configured to force  
5 the transmission of the set pair of packets by the communication device to avoid  
6 the transmission delay caused by packet buffering by the communication device  
7 on the network.

8  
9 32. (Canceled).

10  
11 33. (Canceled).

12  
13 34. (Currently Amended) An apparatus comprising:

14 a processor;

15 a transmission-delay avoider executable on the processor to:

16 send a set pair of packets from a sending entity to a receiving entity through  
17 a communication device, ~~wherein a transmission delay between packets in the set~~  
18 ~~is intolerable;~~

19 ~~immediately thereafter~~, send at least one “push” packet thereafter to avert a  
20 transmission delay between packets in the set pair, wherein the size of the “push”  
21 packet is selected by the sending entity, in view of a Nagle Algorithm that is  
22 implemented by the communication device, to be specifically configured to force  
23 the transmission of the set pair of packets by the communication device to avoid  
24 the transmission delay caused by packet buffering by the communication device  
25 on the network.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

35. (Canceled).

36. (Canceled).

37. (Canceled).

38.-48. (Canceled).

49. (Previously Presented) A method as recited in claim 9, wherein the “push” packet is sent from the sending entity.

50. (Previously Presented) A method as recited in claim 9, wherein the communication comprises a device other than the sending entity or the receiving entity.

51. (Previously Presented) A method as recited in claim 9, wherein the packet buffering causing the transmission delay is characterized by a buffering action where one or more of the set of packets are buffered into a packet buffer, wherein the transmission delay is a result of the packet buffering.

52. (Currently Amended) A ~~method~~ system as recited in claim 26, wherein the “push” packet is sent from the sending entity.

1           53. (Currently Amended) A ~~method~~ system as recited in claim 26,  
2 wherein the communication device comprises a device other than the sending  
3 entity or the receiving entity.  
4

5           54. (Currently Amended) A ~~method~~ system as recited in claim 26,  
6 wherein the packet buffering causing the transmission delay is characterized by a  
7 buffering action where one or more of the ~~set~~ pair of packets are buffered into a  
8 packet buffer, wherein the transmission delay is a result of the packet buffering.  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25